

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	CASE NO. 1-10-MJ-327
V.)	NDOH Case No. 5:10cr429
)	CARTER
JAMES L. SCHMIDLIN)	
Defendant)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on October 1, 2010, in accordance with Rules 5 of the Federal Rules of Criminal Procedure on the Indictment and Warrant for Arrest out of the U.S. District Court, Northern District of Ohio. Those present for the hearing included:

- (1) AUSA Perry Piper for the USA.
- (2) The defendant, James L. Schmidlin.
- (3) Attorney Anthony Martinez with Federal Defender Services of Eastern Tennessee as appointed counsel for defendant .

After being sworn in due form of law, the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution. Attorney Martinez with Federal Defender Services of Eastern Tennessee was present as court appointed counsel in the arresting district. The defendant was advised of his rights pursuant to Rule 20 of the Federal Rules of Criminal Procedure.

The defendant had been provided with a copy of the arrest warrant and indictment and had the opportunity of reviewing those documents with his attorney. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Perry Piper moved defendant be detained without bail pending a detention hearing in the U.S. District Court, Northern District of Ohio. The defendant waived his right to an identity hearing in this district but requested a detention hearing which was held. Agent Paul Healy testified and was cross-examined by counsel for defendant. Both parties presented their respective arguments concerning the issues of detention or release, which were fully considered by the Court. Upon consideration of all of the factors set forth at the detention hearing I find the Government did not establish by clear and convincing evidence that defendant posed a significant threat. I find conditions or combinations of conditions can be imposed which can assure defendant's appearance or the safety of any other person and the community.

It is ORDERED:

(1) The defendant shall be RELEASED ON A \$30,000 BOND pending his appearance in the prosecuting district. Conditions of bond are set out in separate bond documents.

(2) The defendant shall report to the U.S. District Court, Northern District of Ohio, on **Wednesday, October 6, 2010, at 12:00 pm noon, before Judge Dowd.**

ENTER.

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE